

R E M A R K S

Claims 2 and 6-7 have been canceled. Claims 1, 3-5, and 8 remain pending in the application. Applicants amend claims 1 and 8 for further clarification. No new matter has been added.

Claims 1 and 3-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admitted Prior Art ("AAPA") in view of U.S. Patent Application Publication No. 2002/0114333 to Xu et al.; claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Xu et al., and further in view of U.S. Patent Application Publication No. 2002/0087730 to Yonckura; and claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Xu et al. in view of U.S. Patent No. 6,298,062 to Gardell et al. Applicants respectfully traverse the rejections.

The Examiner conceded that alleged AAPA fails to disclose the claimed router features, and relied upon Xu et al. as a combining reference that allegedly suggests these features. Page 4, line 12 to page 8, line 8 of the Office Action. And in rejecting claim 8, the Examiner conceded that Xu et al. fail to disclose the claimed features in connection with

"information that said received packet is not relayed is issued and
said received packet is not assigned to a correlated transmission port corresponding to another of said plurality of transmission paths." Page 12, line 21 to page 13, line 2 of the Office Action.

The Examiner cited Gardell et al. as a combining reference that allegedly suggests the above-cited features. Page 13, line 3 et seq. of the Office Action. In particular, the Examiner cited description in Gardell et al. of a terminal end-point being unavailable to receive an incoming call as alleged suggestion of the above-cited "not relayed" and "not assigned" features. Gardell et al., as cited and relied upon by the Examiner, only describe, however, routing an incoming call to a terminal end-point; determining whether the terminal end-point

is unavailable to receive the incoming call; and determining an appropriate network resident service sub-system to receive the call if the terminal end-point is unavailable.

Thus, even assuming, arguendo, that it would have been obvious to one skilled in the art at the time the claimed invention was made to modify AAPA in view of Xu et al. or to combine Xu et al. and Gardell et al., such combinations would have, at most, suggested diverting a call based upon the availability of a terminal end-point, and would still at least have failed to disclose or suggest the claimed features with respect to

“[judging] not to relay [a] received packet to a transmission path port of which port identifier is identical to [a] receiving port identifier extracted by [a] receiving port extracting part.” (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1 incorporating the above-cited features, together with claims 3-4 dependent therefrom, is patentable over AAPA, Xu et al., and Gardell et al., separately and in combination, for at least the foregoing reasons.

Claim 8 incorporates features that correspond to those of claim 1 cited above, and is, therefore, patentable over the cited references for at least the same reasons. Again, the Examiner cited and applied Yonekura as a further combining reference to specifically to address the additional features recited in claim 5, which depends from claim 1. And again, Yonekura describes a content relay service device disposed on a path between a portable telephone and a WWW server. As such, a further combination with this additional reference would still have failed to cure the above-described deficiencies of AAPA, Xu et al., and Gardell et al., even assuming, arguendo, that such a further combination would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claim 5 is patentable over the cited references for at least the above-stated reasons with respect to claim 1, from which claim 5 depends.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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